

STATE BUILDING CODE TECHNICAL REVIEW BOARD
MEETING

Friday, February 17, 2017

RICHMOND, VIRGINIA

Members Present

Mr. J. Robert Allen, Chairman
Mr. W. Keith Brower
Mr. J. Daniel Crigler
Mr. Joseph A. Kessler, III
Mr. Eric Mays, PE
Mr. E.G. Middleton, III
Ms. Joanne D. Monday
Ms. Patricia S. O'Bannon
Mr. Aaron Zdinack, PE

Members Absent

Mr. Matthew Arnold
Mr. Vince Butler
Mr. James R. Dawson, Vice Chairman
Mr. Alan D. Givens
Mr. W. Shaun Pharr, Esq.

Call to Order

The meeting of the State Building Code Technical Review Board ("Review Board") was called to order by the Chairman at approximately 10:15 a.m.

Roll Call

The attendance was established by the Secretary, Alan W. McMahan, Secretary, and constituted a quorum. Mr. Justin I. Bell, Assistant Attorney General in the Office of the Attorney General, was present and serving as the Board's legal counsel.

Approval of Minutes

Mr. Mays moved to approve the minutes of the January 20, 2017 meeting as presented in the Review Board members' agenda package. The motion was seconded by Ms. Monday and passed unanimously with no abstentions.

Public Comment

The Chairman opened the floor for public comment. Three parties had pre-registered to offer comment, Ms. Cynthia M. Owens, and Ms. Cheri B. Hainer and Mr. Tobias Eisenlohr with the City of Virginia Beach. Ms. Owens addressed the Board relative to her appeal heard at the January 20, 2017 Review Board meeting (Appeal No. 16-6). Mr. Eisenlohr then addressed the Board concerning Ms. Owens' appeal.

Final Orders

Appeal of Cynthia M. Owens; Appeal No. 16-6:

After review and consideration, Mr. Mays moved to approve the final order as presented in the Review Board members' agenda package. The motion was seconded by Mr. Crigler and passed with no abstentions.

Appeal of Isle of Wight County; Appeal No. 16-9:

After review and consideration, Mr. Mays moved to approve the final order as presented in the Review Board members' agenda package. The motion was seconded by Mr. Kessler passed with no abstentions.

New Business

Appeal of Richard Criqui; Appeal No. 16-8:

An appeal hearing convened with the Chairman serving as the presiding officer. The appeal concerned the refusal of the County of Rockbridge County's building code office to cite a contractor for alleged code violations of the 2012 Virginia Construction Code (VCC) at the appellant's home at 135 Ponds Drive in Lexington.

The following persons were sworn in and given the opportunity to present testimony:

Richard Criqui, property owner
Larry Engle, homebuilder
Kenny Wilson, for Rockbridge County
Jason Snider, for Rockbridge County

Also present were:

Vicky Huffman, Esq., legal counsel for Rockbridge County

The following exhibits were submitted by Mr. Criqui, without objection, to supplement the Review Board members' agenda package:

Exhibit A - An outline of the documents in the Board members' agenda package

Appeal of Richard Criqui; Appeal No. 16-8 (cont'd.):

Exhibit B – Suggested Revisions to the Staff Document

Exhibit C – A summary of the appeal issues

Exhibit D – Color photographs

In addition, during his testimony, Criqui requested that the Chairman allow him to present several of the photos in the agenda package to the Board using audio-visual equipment to better illustrate the alleged violations. The Chairman consented.

After testimony concluded, the Chairman closed the hearing and stated a decision from the Review Board members would be forthcoming and the deliberations would be conducted in open session. It was further noted that a final order reflecting the decision would be considered at a subsequent meeting and, when approved, would be distributed to the parties and would contain a statement of further right of appeal.

Decision: Appeal of Richard Criqui; Appeal No. 16-8:

After deliberation, Mr. Mays moved to overturn the building official and local appeals board and require a notice of violation be issued to the builder on VCC Section R401.3 related to the last sentence of the exception which requires that impervious surfaces within 10 feet of the building foundation be sloped a minimum of 2.0 percent away from the building. The motion was seconded by Mr. Crigler and passed unanimously.

Mr. Mays then moved to uphold the decision of the building official and the local appeals board on VCC Section R405.1 concerning the drainage systems around the home's foundation. The motion was seconded by Ms. O'Bannon and passed unanimously.

Mr. Mays then moved to overturn the building official and the local appeals board and require a notice of violation be issued on VCC Section R408.6 with respect to the height of the crawl space grade relative to the finished exterior grade. The motion was seconded by Crigler and passed unanimously.

Decision: Appeal of Richard Criqui; Appeal No. 16-8 (cont'd.):

Mr. Mays then moved to uphold the decision of the building official and the local appeals board that VCC Section R401.4 does delegate responsibility to the building official for determining whether to require a soil test. The motion was seconded by Mr. Middleton and passed unanimously.

Mr. Mays then moved to overturn the building official and local appeals board and require a notice of violation be issued to the builder regarding Section R403.1.8.1 due to the evidenced presence of expansive soils on the subject property.

Appeal of Gregory & Leah Thorpe; Appeal No. 16-11:

A hearing convened with the Chairman serving as the presiding officer. The appeal concerned alleged violations of the 2012 VCC on in a new home constructed at 16300 Longlands Road in Chesterfield County, owned by Gregory and Leah Thorpe.

The following persons were sworn in and given the opportunity to present testimony:

Gregory & Leah Thorpe, property owner
Greg Holt, for Finer Homes
Ron Clements, for Chesterfield County
Richard Witt, for Chesterfield County

The following exhibits were submitted by the Thorpes to supplement the Review Board members' agenda package:

Exhibit A – Larger photographs and documents from the agenda package, and several new documents, listed as Sub 1 through Sub 8.

The County objected to Sub 5 and Sub 8 as they were not presented at the local appeals board. After the Thorpes agreed to not discuss Sub 5 and Sub 8 during their testimony, the

Appeal of Gregory & Leah Thorpe; Appeal No. 16-11 (cont'd):

Chairman accepted it into evidence.

After the appellant's testimony began, the Chairman informed the parties that due to the later hour the appeal would have to continued for additional testimony, final statements and questioning by the Board members at the next Review Board meeting.

Adjournment

The meeting was adjourned by motion of Mr. Allen at approximately 5:40 p.m.

Approved: April 21, 2017

/s/

Chairman, State Building Code Technical Review Board

/s/

Secretary, State Building Code Technical Review Board